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## OFFICE OF THE CITY CLERK

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# REPORT

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### REPORT TO THE COMMITTEE ON RULES, FINANCE AND INTERGOVERNMENTAL RELATIONS

DATE: JANUARY 23, 1998

REPORT NO: 98-02  
(Replaces  
Report No. 97-05)

SUBJECT: PROPOSED AMENDMENTS TO THE SAN DIEGO MUNICIPAL  
ADVOCATES (MUNICIPAL LOBBYING) ORDINANCE

#### ISSUE

The Registration of Municipal Advocates Ordinance (Chapter II, Article 9, Division 1 of the San Diego Municipal Code) was first adopted in August 1973. The ordinance has remained substantially unchanged since that time, with the exception of an amendment to one section in 1979. Because of ongoing concerns about the efficacy of the ordinance, the Rules Committee asked the City Clerk and City Attorney to review and revise it.

#### RECOMMENDATION

Support the proposed ordinance.

#### DISCUSSION

Throughout the years it has become apparent to the Clerk and to enforcement authorities that clarification of the Municipal Advocates Ordinance is needed in order to ensure compliance. Of particular concern has been the need to clarify registration and reporting criteria for advocates, and to establish enforceable penalties for advocates who violate the requirements of the ordinance.

In response to direction from the Rules Committee to review and re-draft the ordinance, a Municipal Lobbying Ordinance Task Force was formed to analyze it for needed changes. In addition to representatives from the City Clerk and City Attorney's offices, the Task Force included representatives from the offices of the District Attorney, County Counsel and the Registrar of Voters. The Task Force has reviewed the existing ordinance extensively, and compared it with California's lobbying laws, as well as the lobbying ordinances of several cities across the country.

In August 1996, the Task Force sent a draft lobbying ordinance to numerous governmental entities and local organizations, and also to over twenty (20) local lobbyists, for their feedback. Many written responses were received, and over twenty-five people attended our Workshop for Interested Parties. After consideration of the input, many revisions were made to the earlier draft. Additional feedback was solicited on the revised draft and another Workshop for Interested Parties was held on November 14, 1997. More revisions have been made based on input received at that session. The attached draft contains what the Task Force considers to be the key elements of a new Municipal Lobbying Ordinance. These provisions are discussed below.

Although certain elements of the existing Municipal Advocates Ordinance have been retained in the proposed draft, it has been so thoroughly revised that it should be considered as a new ordinance. Therefore, no strike-out ordinance has been provided. A summary of the key provisions of the proposed ordinance is provided as Attachment A, a chart comparing the existing and proposed ordinance is provided as Attachment B, and the proposed registration and reporting forms are provided as Attachment C.

## I. PROPOSED AMENDMENTS

### Title of Ordinance

The title of the ordinance is changed from "Registration of Municipal Advocates" to "Municipal Lobbying Ordinance."

### Definitions

Many terms in the ordinance are changed to more accurately reflect the meaning intended. (Please note that the first letter of all terms defined in the ordinance are capitalized in this report and the attachments).

In the proposed ordinance **Lobbying** is defined as Direct Communication with a City Official for the purpose of Influencing Legislative Action on behalf of any other Person.

A **Lobbyist** is defined as an individual who receives or becomes entitled to receive \$1,000 in Compensation during any calendar quarter for Lobbying. Lobbyists include in-house employees who engage in Lobbying as well as persons under contract to engage in Lobbying. Compensation earned for time spent on activities such as monitoring Legislative Action the Lobbyist is seeking to influence, preparing testimony, attending hearings, and conferring with Clients is included for the purpose of determining whether a Lobbyist has met the threshold for registration.

**Direct Communication** includes talking to or corresponding with a City Official, but does not include solely responding to questions from any City Official, or appearing as a speaker or providing written statements which become part of the record of a Public Hearing.

**Legislative Action** includes the drafting, introduction, consideration, reconsideration, adoption, defeat or repeal of any ordinance or resolution; the amendment of any ordinance or resolution; a report by a City Official to the City Council or a City Council Committee; contracts; and quasi-judicial decisions. **Legislative Action** does not include requests for advice or interpretation of laws or regulations, ministerial actions, or actions relating to collective bargaining agreements between the City and a recognized employee organization, or a proceeding before the Civil Service Commission.

**City Official** is defined to include elected or appointed City officeholders, including any City officeholder elected but not yet sworn in; City employees; City Board members; and consultants required to file statements of economic interest pursuant to any conflict of interest code adopted by the City Council.

**City Board** includes any board, commission, committee, or task force of the City established by action of the City Council under authority of the City Charter, Municipal Code or Council resolution. Not included in the definition are boards of directors or employees of City agencies that are non-profit corporations of which the City is the only member; Housing Commissioners or Housing Commission employees.

### Registration Requirements

The proposed ordinance requires Lobbyists to register within ten calendar days of qualifying. It eliminates volunteers from the definition of Lobbyists, and establishes a monetary threshold for qualification.

Under the provisions of the ordinance, the registrations of Lobbyists would terminate annually on January 5 of the following calendar year and be renewed on or before January 15.

Registration requirements include identifying information about the Lobbyist, disclosure of Clients, and the proposed legislation the Lobbyist is employed to support or oppose.

### Registration Fees

The ordinance establishes registration fees for Lobbyists. Proposed fees are forty dollars (\$40) per Lobbyist and fifteen dollars (\$15) per Client. These fees are based on a cost recovery estimate of the staff time required to administer the ordinance.

### Quarterly Reports

The ordinance requires any Person who qualifies as a Lobbyist to file quarterly disclosure reports. These reports include a list of Clients represented during the quarter and the items of Legislative Action for which the Lobbyist represented each Client; an itemization of Activity Expenses of \$10 or more on any one occasion; an itemization of Activity Expenses aggregating \$50 or more during the quarter to benefit any one City Official on behalf of any one Client; a total of all Activity Expenses for the quarter; the name(s) of the Client(s) on whose behalf the expenses were made; and the name(s) of the City Official(s) benefitting from the expense. We have not required itemization of Compensation received by the Lobbyist. It is our interpretation that the existing ordinance does not require disclosure of this information, and we have carried that intent forward in the proposed ordinance. The ordinance requires the Lobbyist to sign and verify the disclosure report under penalty of perjury.

### Attorney Exemption

A change in state law in the fall of 1994 allows cities to require attorneys acting as Lobbyists to register and disclose like other Lobbyists. Thus, the proposed ordinance eliminates the broad exemption for attorneys contained in the existing Municipal Advocates Ordinance and regulates attorneys when they are acting as Lobbyists.

### Late Filing Penalties

The ordinance establishes late filing penalties of \$25 per day for each day a report is late, up to a maximum of \$500.

## II. POLICY DISCUSSION

Several aspects of the proposed Lobbying ordinance merit discussion because they reflect significant policy questions. These items include the exclusion of volunteers as lobbyists, the inclusion of a monetary threshold for registration, and the exclusion of agency personnel as City Officials. These issues are discussed below.

### Exclusion of Volunteers as Lobbyists

The existing Municipal Advocates Ordinance includes volunteers as Lobbyists. In the feedback we received, however, there was a concern that citizens have a fundamental right to petition their government without having to register as Lobbyists. There was also a concern that including volunteers would make the ordinance overly broad and would discourage individuals from meeting with their Council members or other City personnel. With this input in mind, we considered a "contacts" threshold which would have to be met before a volunteer qualified to register as a Lobbyist. However, such a threshold would make the ordinance extremely difficult to administer. For these reasons we did not include volunteers as Lobbyists in the proposed ordinance.

### A Monetary Threshold for Registration

The proposed ordinance seeks to regulate "professional" Lobbyists, and incorporates a monetary threshold to do so. The majority of the Lobbying laws we reviewed from other jurisdictions also took this approach. At the state level there is a \$2,000 per quarter threshold. Los Angeles has a threshold of \$4,000 per quarter and San Francisco has a threshold of \$1,000 per month. The proposed ordinance has a threshold of \$1,000 per quarter.

Without a monetary threshold for registration, anyone who is paid, and has even limited contact with City Officials--such as the president or CEO of a large company, who meets once with Council members to encourage them to support a particular contract -- would be required to register as a Lobbyist. This would not further the purpose of an ordinance designed to regulate "professional" Lobbyists. Therefore, the proposed ordinance requires an individual to register only if he or she received, or became entitled to receive, Compensation of \$1,000 or more during a calendar quarter for Lobbying. Compensation earned for time spent on related activities such as monitoring Legislative Action the Lobbyist is seeking to influence, preparing testimony, attending hearings, and conferring with Clients is included in determining whether a Lobbyist has met the threshold for registration.

### Exclusion of Agency Personnel as City Officials

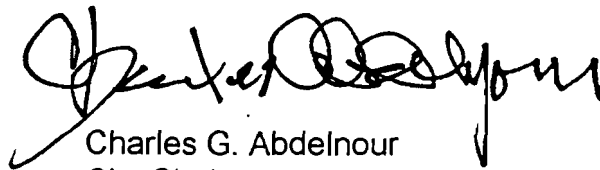
Included in the definition of a municipal official in the existing Municipal Advocates Ordinance are "...members of all boards, commissions and committees established by action of the Council pursuant to the authority of the Charter and Municipal Code." We have interpreted this to mean that City advisory boards created pursuant to the Charter or the Municipal Code are included in that definition, but that City agencies such as the Convention Center Corporation, Housing Commission and San Diego Data Processing Corporation, etc. are not. Thus, those agencies have not been subject to the existing ordinance. The language of the proposed Lobbying ordinance is intended to carry

forward that interpretation, and to clarify it. This is a narrower scope than some might wish to have for a local Lobbying ordinance. However, because these agencies are entirely separate legal entities, it seems appropriate that they not be included. Furthermore, limited staff resources in the City Clerk's and City Attorney's Offices would make administration and enforcement of a broader ordinance problematic. Items coming from these agencies to the City Council for consideration, and any Lobbying of the City Council related to them, would be subject to regulation by the proposed ordinance.

## CONCLUSION

In conclusion, the Clerk and the Municipal Lobbying Ordinance Task Force propose the attached re-drafted lobbying ordinance to update and clarify San Diego's Lobbying laws.

I look forward to your consideration of these proposals. Should you have any questions, please contact Deputy Director Joyce Lane at extension 34024.

A handwritten signature in black ink, appearing to read "Charles G. Abdelnour". The signature is stylized with large, flowing loops and a long, sweeping underline.

Charles G. Abdelnour  
City Clerk

CGA:JL  
Attachments

## KEY PROVISIONS OF THE PROPOSED LOBBYING ORDINANCE

### ***Definitions***

In the proposed ordinance, Lobbying is defined as Direct Communication with a City Official for the purpose of Influencing Legislative Action on behalf of any other Person.

Direct Communication includes talking to or corresponding with a City Official, but does not include solely responding to questions from any City Official, or appearing as a speaker or providing written statements which become part of the record of a Public Hearing.

A Lobbyist is defined as an individual who receives or becomes entitled to receive \$1,000 in Compensation during any calendar quarter for Lobbying. Lobbyists include in-house employees who engage in Lobbying as well as Persons under contract to engage in Lobbying. Compensation earned for time spent on activities such as monitoring Legislative Action the Lobbyist is seeking to influence, preparing testimony, attending hearings, and conferring with Clients is included for the purpose of determining whether a Lobbyist has met the threshold for registration.

Legislative Action includes the drafting, introduction, consideration, reconsideration, adoption, defeat or repeal of any ordinance or resolution; the amendment of any ordinance or resolution; a report by a City Official to the City Council or a City Council Committee; contracts; and quasi-judicial decisions.

A City Official includes any elected or appointed City Officeholder elected but not yet sworn in; City employee; City Board member; and any consultant of the City required to file a statement of economic interests pursuant to a conflict of interest code adopted by the City Council.

City Board includes any board, commission, committee, or task force of the City established by action of the City Council under authority of the City Charter, Municipal Code or Council resolution. It does not include boards of directors or employees of City agencies that are non-profit corporations of which the City is the only member. It also does not include Housing Commissioners or Housing Commission employees.

### ***Registration***

The ordinance creates registration requirements for Lobbyists. They must register with the City Clerk within ten (10) days of qualifying as Lobbyists.

Under the provisions of the ordinance, a Lobbyists' registration terminates annually on January 5 of the following calendar year and can be renewed on or before January 15.

Registration requirements include identifying information about the Lobbyist, and disclosure of Clients and the proposed legislation the Lobbyist is employed to support or oppose.

### ***Registration Fees***

The ordinance establishes registration fees for Lobbyists. Proposed fees are forty dollars (\$40) per Lobbyist and fifteen dollars (\$15) per Client.

### ***Quarterly Reports***

The ordinance requires any Person who qualifies as a Lobbyist to file quarterly disclosure reports. These reports include disclosure of any Client(s) represented during the quarter, items of Legislative Action for which the Lobbyist represented the Client(s), Activity Expenses for the quarter, the name(s) of the City Official(s) benefitting from the expense, and the Client(s) on whose behalf expenses were made.

### ***Late Filing Penalties***

The ordinance establishes late filing penalties of \$25 per day for each day a report is late, up to a maximum of \$500.



**A COMPARISON OF KEY PROVISIONS OF  
THE CURRENT MUNICIPAL ADVOCACY ORDINANCE AND  
THE PROPOSED LOBBYING ORDINANCE**

***DEFINITIONS:***

Current Law

**Advocacy** is defined as any nonpublic contact with a municipal official for the purpose of attempting to influence action taken on any municipal decision.

**Advocacy does not include** contacts consisting solely of speaking at public meetings before the Council, where disclosure becomes a public record.

**A Municipal Advocate** is anyone who engages for pay or for any consideration for the purpose of advocacy, or who is a member of a volunteer public interest group or organization, who, without pay, engages in advocacy.

Proposed Ordinance

**Lobbying** is defined as Direct Communication with a City Official for the purpose of Influencing Legislative Action on behalf of any other Person.

**Direct Communication** includes talking to or corresponding with a City Official.

**Direct Communication does not include** solely responding to questions from any City Official, or appearing as a speaker or providing written statements which become part of the record of a Public Hearing.

**A Lobbyist** is an individual who receives or becomes entitled to receive \$1,000 in Compensation during any calendar quarter for Lobbying. Lobbyists include in-house employees who engage in Lobbying as well as persons under contract to engage in Lobbying. Compensation earned for time spent on activities such as monitoring Legislative Action the Lobbyist is seeking to influence, preparing testimony, attending hearings, and conferring with Clients is included for the purpose of determining whether a Lobbyist has met the threshold for registration.

**Municipal decision** means any discretionary action taken or which may be taken by any municipal official on any matter within the scope and course of his employment, position or official jurisdiction.

A **Municipal Official** is any person in the service of the City of San Diego whose position involves the exercise of discretion in formulating and rendering municipal decisions. The term "municipal official" also includes members of all boards, commissions and committees established by action of the Council pursuant to the authority of the Charter and Municipal Code.

#### ***REGISTRATION:***

##### Current Law

Municipal Advocates must register with the City Clerk within ten (10) calendar days of engaging in advocacy.

**Legislative Action** includes the drafting, introduction, consideration, reconsideration, adoption, defeat or repeal of any ordinance or resolution; the amendment of any ordinance or resolution; a report by a City Official to the City Council or a City Council Committee; contracts; and quasi-judicial decisions.

A **City Official** includes any elected or appointed City Officeholder, including any City Officeholder elected but not yet sworn in; City employee; City Board member; and any consultant of the City required to file a statement of economic interests pursuant to a conflict of interest code adopted by the City Council.

**City Board** includes any board, commission, committee, or task force of the City established by action of the City Council under authority of the City Charter, Municipal Code or Council resolution. It does not include boards of directors or employees of City agencies that are non-profit corporations of which the City is the only member. It also does not include Housing Commissioners or Housing Commission employees.

##### Proposed Ordinance

Lobbyists must register with the City Clerk within ten (10) calendar days of qualifying as Lobbyists.

Registration remains in full force until such time as the advocate notifies the City Clerk of the termination of such status.

There are no registration fees under the current ordinance.

Registrations terminate annually on January 5 and may be renewed on or before January 15.

The ordinance establishes a registration fee for Lobbyists. Proposed fees are forty dollars (\$40) per Lobbyist plus fifteen dollars (\$15) per Client.

### **REGISTRATION DISCLOSURE:**

#### Current Law

Registration requirements include identifying information about the municipal advocate, disclosure of persons directing advocacy activities and real parties in interest being represented, and the nature and category of municipal decisions the advocate was employed or volunteered to support or oppose.

No time frame is provided for amendments to registration.

#### Proposed Ordinance

Registration requirements include identifying information about the Lobbyist, and disclosure of Clients and the proposed Legislative Action the Lobbyist is employed to support or oppose.

Lobbyists are required to file amendments to their registration forms with the next quarterly report.

### **QUARTERLY REPORTS:**

#### Current Law

Under current law the quarterly filing requirement is not mandatory.

Quarterly reports consist of disclosure of decisions the advocate is or was employed or had volunteered to support or oppose; the name and identifying information of each person who made

#### Proposed Ordinance

The ordinance requires any Person who qualifies as a Lobbyist to file quarterly reports.

Quarterly reports include a list of all Clients represented during the quarter and the items of Legislative Action for which the Lobbyist represented each Client; an itemization of Activity

contributions of \$100 or more;  
expenditures of \$25 or more made on  
any one occasion or expenditures on  
behalf of the principal which total \$100  
or more in any quarter.

Expenses of \$10 or more on any one  
occasion; an itemization of Activity  
Expenses aggregating \$50 or more  
during the quarter to benefit any one City  
Official on behalf of any one Client; a  
total of all Activity Expenses for the  
quarter; the name(s) of the Client(s) on  
whose behalf the expenses were made;  
and the name(s) of the City Official(s)  
benefitting from the expense.

### **ATTORNEY EXEMPTION:**

#### Current Law

Current law provides a broad exemption  
for "Members of the State Bar of  
California acting on behalf of a client or  
clients in an attorney-client relationship  
while performing a duty or service, which  
duty or service can be performed lawfully  
only by an attorney licensed to practice  
law in California...."

#### Proposed Ordinance

The proposed ordinance provides no  
exemption for attorneys. It regulates  
attorneys when they are acting as  
Lobbyists.

### **LATE FILING PENALTIES:**

#### Current Law

There are no late filing penalties under  
current law.

#### Proposed Ordinance

The ordinance establishes late filing  
penalties of \$25 per day for each day a  
report is late, up to a maximum of \$500.

# CITY OF SAN DIEGO LOBBYIST REGISTRATION FORM

*Type or Print in Ink. File Original with City Clerk.*

☐ Check Box if an Amendment

If this is an Initial Registration, enter  
DATE QUALIFIED as a Lobbyist: \_\_\_\_\_

Amount of Registration Fees due with Registration  
(see SDMC Section 27.4010): \_\_\_\_\_

For Official Use Only

FULL NAME OF LOBBYIST:

BUSINESS PHONE NUMBER:  
(      )

BUSINESS ADDRESS: (Number and Street)

(City)

(State)

(ZIP)

MAILING ADDRESS: (If different from above)

LOBBYIST'S EMPLOYER:

BUSINESS PHONE NUMBER:  
(      )

EMPLOYER'S BUSINESS ADDRESS: (Number and Street)

(City)

(State)

(ZIP)

NATURE AND PURPOSE OF EMPLOYER'S BUSINESS:

## VERIFICATION

By signing the verification below, I certify that I have reviewed and understand the requirements of Division 40, "Municipal Lobbying," of the San Diego Municipal Code.

I have used all reasonable diligence in preparing this Registration. I have reviewed this Registration and to the best of my knowledge the information contained herein is true and complete.

I verify under penalty of California perjury laws that the foregoing is true and correct.

Executed on \_\_\_\_\_ at \_\_\_\_\_  
(date) (city and state)

By \_\_\_\_\_  
(signature of lobbyist)

Name of Lobbyist: \_\_\_\_\_

**CLIENT DISCLOSURE - See SDMC Section 27.4010 for fee information**

CLIENT'S NAME:	BUSINESS OR MESSAGE PHONE NUMBER: (      )		
CLIENT'S BUSINESS OR MAILING ADDRESS: (Number and Street)      (City)      (State)      (ZIP)			

NATURE AND PURPOSE OF CLIENT'S BUSINESS:

LEGISLATIVE ACTION(S) FOR WHICH LOBBYIST WAS RETAINED TO REPRESENT CLIENT: (If no specific item(s) of Legislative Action can be identified, describe type(s) of Legislative Action for which Lobbyist was retained to represent Client.)

CLIENT'S NAME:	BUSINESS OR MESSAGE PHONE NUMBER: (      )		
CLIENT'S BUSINESS OR MAILING ADDRESS: (Number and Street)      (City)      (State)      (ZIP)			

NATURE AND PURPOSE OF CLIENT'S BUSINESS:

LEGISLATIVE ACTION(S) FOR WHICH LOBBYIST WAS RETAINED TO REPRESENT CLIENT: (If no specific item(s) of Legislative Action can be identified, describe type(s) of Legislative Action for which Lobbyist was retained to represent Client.)

CLIENT(S) TO BE DELETED FROM LOBBYIST'S REGISTRATION (check "Amendment" box on p. 1 of form):
---

NAME:

NAME:

☐ If more space is needed, check box and attach continuation sheet(s).

# CITY OF SAN DIEGO LOBBYIST DISCLOSURE REPORT

*Type or Print in Ink. File Original with City Clerk.*

☐ Check Box if an Amendment

☐ Check Box if Terminating Status as Lobbyist

Period Covered: from \_\_\_\_\_ to \_\_\_\_\_

For Official Use Only

FULL NAME OF LOBBYIST:

BUSINESS PHONE NUMBER:

(      )

BUSINESS ADDRESS: (Number and Street)

(City)

(State)

(ZIP)

MAILING ADDRESS: (If different from above)

LOBBYIST'S EMPLOYER (IF APPLICABLE -- NOT CLIENT):

BUSINESS PHONE NUMBER:

(      )

EMPLOYER'S BUSINESS ADDRESS: (Number and Street)

(City)

(State)

(ZIP)

TOTAL AMOUNT OF ALL ACTIVITY EXPENSES MADE DURING PERIOD:

☐ CHECK BOX IF NO LOBBYING ACTIVITY THIS PERIOD. [FILE THIS PAGE ONLY WITH CLERK.]

## VERIFICATION

I have used all reasonable diligence in preparing this Disclosure Report. I have reviewed this Disclosure Report and to the best of my knowledge the information contained herein is true and complete.

I verify under penalty of California perjury laws that the foregoing is true and correct.

Executed on \_\_\_\_\_ at \_\_\_\_\_  
(date) (city and state)

By \_\_\_\_\_  
(signature of lobbyist)

NAME OF LOBBYIST: \_\_\_\_\_ Period Covered: from \_\_\_\_\_ to \_\_\_\_\_

**REPRESENTATION DISCLOSURE - See SDMC Section 27.4017(c)**

CLIENT'S NAME:	BUSINESS OR MESSAGE PHONE NUMBER: (      )
CLIENT'S BUSINESS OR MAILING ADDRESS: (Number and Street)      (City)      (State)      (ZIP)	

LEGISLATIVE ACTION(S) FOR WHICH LOBBYIST REPRESENTED CLIENT DURING REPORTING PERIOD:

CLIENT'S NAME:	BUSINESS OR MESSAGE PHONE NUMBER: (      )
CLIENT'S BUSINESS OR MAILING ADDRESS: (Number and Street)      (City)      (State)      (ZIP)	

LEGISLATIVE ACTION(S) FOR WHICH LOBBYIST REPRESENTED CLIENT DURING REPORTING PERIOD:

CLIENT'S NAME:	BUSINESS OR MESSAGE PHONE NUMBER: (      )
CLIENT'S BUSINESS OR MAILING ADDRESS: (Number and Street)      (City)      (State)      (ZIP)	

LEGISLATIVE ACTION(S) FOR WHICH LOBBYIST REPRESENTED CLIENT DURING REPORTING PERIOD:

CLIENT'S NAME:	BUSINESS OR MESSAGE PHONE NUMBER: (      )
CLIENT'S BUSINESS OR MAILING ADDRESS: (Number and Street)      (City)      (State)      (ZIP)	

LEGISLATIVE ACTION(S) FOR WHICH LOBBYIST REPRESENTED CLIENT DURING REPORTING PERIOD:

☐ If more space is needed, check box and attach continuation sheet(s).



NAME OF LOBBYIST: \_\_\_\_\_ Period Covered: from \_\_\_\_\_ to \_\_\_\_\_

**ACTIVITY EXPENSE DISCLOSURE - see SDMC Sections 27.4017(d) - 27.4017(h)**

DATE OF EXPENSE:

AMOUNT OF EXPENSE:

NAME AND TITLE OF CITY OFFICIAL BENEFITTING FROM EXPENSE:

DESCRIPTION OF EXPENSE:

NAME AND ADDRESS OF PAYEE:

NAME OF VENDOR (if different from payee):

CLIENT (IF ANY) ON WHOSE BEHALF EXPENSE WAS MADE:

DATE OF EXPENSE:

AMOUNT OF EXPENSE:

NAME AND TITLE OF CITY OFFICIAL BENEFITTING FROM EXPENSE:

DESCRIPTION OF EXPENSE:

NAME AND ADDRESS OF PAYEE:

NAME OF VENDOR (if different from payee):

CLIENT (IF ANY) ON WHOSE BEHALF EXPENSE WAS MADE:

DATE OF EXPENSE:

AMOUNT OF EXPENSE:

NAME AND TITLE OF CITY OFFICIAL BENEFITTING FROM EXPENSE:

DESCRIPTION OF EXPENSE:

NAME AND ADDRESS OF PAYEE:

NAME OF VENDOR (if different from payee):

CLIENT (IF ANY) ON WHOSE BEHALF EXPENSE WAS MADE:

☐ If more space is needed, check box and attach continuation sheet(s).

# CITY OF SAN DIEGO LOBBYIST DISCLOSURE REPORT - **EXPANDED**

**FOR USE BY EMPLOYERS WITH MORE THAN ONE IN-HOUSE LOBBYIST. DO NOT USE FOR CONTRACT LOBBYISTS.**

**Type or Print in Ink. File Original with City Clerk.**

☐ Check box if an Amendment

Period covered: from \_\_\_\_\_ to \_\_\_\_\_

NAME OF IN-HOUSE LOBBYIST EMPLOYER:

BUSINESS PHONE NUMBER:

(      )

BUSINESS ADDRESS: (Number and Street)

(City)

(State)

(ZIP)

MAILING ADDRESS: (if different from above)

NAME OF EACH IN-HOUSE LOBBYIST (NOT ON CONTRACT) OF THE COMPANY/ORGANIZATION:  
(Complete and file Form CC-1647a for **each** in-house lobbyist active during this period.)

	<input type="checkbox"/> inactive this period		<input type="checkbox"/> inactive this period
	<input type="checkbox"/> inactive this period		<input type="checkbox"/> inactive this period
	<input type="checkbox"/> inactive this period		<input type="checkbox"/> inactive this period
	<input type="checkbox"/> inactive this period		<input type="checkbox"/> inactive this period
	<input type="checkbox"/> inactive this period		<input type="checkbox"/> inactive this period

TOTAL AMOUNT OF ALL ACTIVITY EXPENSES MADE BY LOBBYISTS DURING PERIOD: \_\_\_\_\_

☐ CHECK BOX IF NO LOBBYING ACTIVITY BY ANY LOBBYIST THIS PERIOD. [FILE THIS PAGE ONLY WITH CLERK.]

## VERIFICATION

(NOTE: VERIFICATION MUST BE SIGNED BY RESPONSIBLE OFFICER.)

I have used all reasonable diligence in preparing this Disclosure Report. I have reviewed this Disclosure Report and to all the best of my knowledge the information contained herein is true and complete.

I verify under penalty of California perjury laws that the foregoing is true and correct.

Executed on \_\_\_\_\_ at \_\_\_\_\_  
(date) (city and state)

By \_\_\_\_\_  
(signature of responsible officer) (title)

NAME OF LOBBYIST: \_\_\_\_\_ Period Covered: from \_\_\_\_\_ to \_\_\_\_\_

***REPRESENTATION DISCLOSURE - see SDMC Section 27.4017(c)***

LEGISLATIVE ACTION(S) FOR WHICH LOBBYIST REPRESENTED EMPLOYER or CLIENT DURING REPORTING PERIOD:

CLIENT'S NAME (if applicable):	CLIENT'S BUSINESS/MESSAGE PHONE: (     )
CLIENT'S BUSINESS OR MAILING ADDRESS: (Number and Street)     (City)     (State)     (ZIP)	

LEGISLATIVE ACTION(S) FOR WHICH LOBBYIST REPRESENTED EMPLOYER or CLIENT DURING REPORTING PERIOD:

CLIENT'S NAME (if applicable):	CLIENT'S BUSINESS/MESSAGE PHONE: (     )
CLIENT'S BUSINESS OR MAILING ADDRESS: (Number and Street)     (City)     (State)     (ZIP)	

***ACTIVITY EXPENSE DISCLOSURE - see SDMC Sections 27.4017(d) - 27.4017(h)***

DATE OF EXPENSE:	AMOUNT OF EXPENSE:
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NAME AND TITLE OF CITY OFFICIAL BENEFITTING FROM EXPENSE:

DESCRIPTION OF EXPENSE:

NAME AND ADDRESS OF PAYEE:	NAME OF VENDOR (if different from payee):
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CLIENT (IF ANY) ON WHOSE BEHALF EXPENSE WAS MADE:

DATE OF EXPENSE:	AMOUNT OF EXPENSE:
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NAME AND TITLE OF CITY OFFICIAL BENEFITTING FROM EXPENSE:

DESCRIPTION OF EXPENSE:

NAME AND ADDRESS OF PAYEE:	NAME OF VENDOR (if different from payee):
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CLIENT (IF ANY) ON WHOSE BEHALF EXPENSE WAS MADE:

***TOTAL AMOUNT OF ALL ACTIVITY EXPENSES MADE BY LOBBYIST DURING PERIOD:*** \_\_\_\_\_

☐ If more space is needed to disclose this lobbyist's representation and activity expenses, check box and attach continuation sheet(s).

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**SAN DIEGO MUNICIPAL CODE**

**ARTICLE 7**

**Elections, Campaign Finance and Lobbying**

**DIVISION 40**

**Municipal Lobbying**

**27.4001 Purpose**

The purpose of this division is to provide registration and disclosure requirements whereby Persons acting as Municipal Lobbyists are required to register with the City. The purpose of registration is to require Lobbyists to provide sufficient information so that complete disclosure of principals and Clients they represent may become public information for the benefit of the City Council and the general public. This division is not intended to discourage or prohibit the exercise of constitutional rights.

**27.4002 Definitions**

The first letter of each term defined in this division is capitalized. Unless the context otherwise indicates, the defined terms have the meanings set forth below.

**"Activity Expense"** means any Payment made to, or benefitting, any City Official made by a Lobbyist. An Activity Expense benefits a City Official if it is made to, or on behalf of, the City Official. An Activity Expense includes gifts provided to the City Official's spouse or dependent child if the City Official receives benefits from the gift or exercises control or discretion over the use or disposal of the gift. "Activity Expenses" include gifts, meals, honoraria, consulting fees, salaries and any other form of Compensation, but do not include campaign contributions.

**"Agent"** means a Person who acts on behalf of any other Person. "Agent" includes a Person who acts on behalf of a Lobbyist.

**"City"** means the City of San Diego or any organizational subdivision, office, or board of the City.

**"City Board"** includes any board, commission, committee, or task force of the City established by action of the City Council under authority of the City Charter, Municipal Code or Council resolution. It does not include boards of directors or employees of City agencies that are non-profit corporations of which the City is the only member. It also does not include Housing Commissioners or Housing Commission employees.

**"City Official"** includes:

(a) any elected or appointed City officeholder, including any City officeholder elected but not yet sworn in, City employee, or City Board member;

(b) City Council members acting in their capacity as Housing Authority and Redevelopment Agency officers; and

(c) any consultants of this City who are required to file a statement of economic interest pursuant to any conflict of interest code adopted by the City Council.

**"Client"** means

(a) a Person who compensates a Lobbyist, including an In-House Lobbyist, for the purpose of Influencing Legislative Action; or

(b) a Person on whose behalf a Lobbyist makes attempts at Influencing Legislative Action.

**"Committee"** has the same meaning as that set forth in California Government Code Section 82013.

**"Compensated Services"** means Lobbying activities for which Compensation was paid during a reporting period or for which the Lobbyist became entitled to Compensation during that period.

**"Compensation"** means any economic consideration for services rendered, either via employment or contract, other than reimbursement for Travel Expenses.

**"Day"** means calendar day unless otherwise specified.

**"Direct Communication"** means:

(a) talking to (either by telephone or in person);

(b) corresponding with (either in writing or by electronic transmission or facsimile machine); or

**"Direct Communication"** does not include:

- (a) solely responding to questions from any City Official; or
- (b) appearing as a speaker at, or providing written statements which become part of the record of, a Public Hearing, so long as the Lobbyist identifies the Client(s) represented;

**"Gift"** has the same meaning as that set forth in California Government Code Section 82028.

**"Influencing Legislative Action"** means affecting or attempting to affect any action by a City Official on one or more items of Legislative Action by any method, including promoting, supporting, opposing or seeking to modify or delay such action. "Influencing Legislative Action" also includes providing information, statistics, analysis or studies to a City Official.

**"In-House Lobbyist"** means a salaried employee who engages in Lobbying solely on behalf of his or her employer.

**"Legislative Action"** includes:

- (a) the drafting, introduction, consideration, reconsideration, adoption, defeat, or repeal of any ordinance or resolution;
- (b) the amendment of any ordinance or resolution;
- (c) a report by a City Official to the City Council or a City Council Committee;
- (d) contracts; and
- (e) quasi-judicial decisions, including:

(1) any decision on a land development permit, map or other matter decided pursuant to Process 2 through 5 as described in Chapter 11 of this Municipal Code; or

(2) any grant of, denial of, modification to, or revocation of a permit or license under Chapter 1 through 9 of this Municipal Code.

**"Legislative Action"** does not include any of the following:

- (a) any request for advice regarding, or for an interpretation of laws, regulations, City approvals or policies;
- (b) a direct response to an enforcement proceeding with the City;



(c) any ministerial action such as decisions on private land development made pursuant to Process 1 as described in Chapter 11 of this Municipal Code;

(d) any action relating to the establishment, amendment, administration, implementation or interpretation of a collective bargaining agreement or memorandum of understanding between the City and a recognized employee organization, or a proceeding before the Civil Service Commission; or

(e) any management decisions as to the working conditions of represented employees that clearly relate to the terms of collective bargaining agreements or memoranda of understanding pursuant to (d) above.

**"Lobbying"** means Direct Communication with a City Official for the purpose of Influencing Legislative Action on behalf of any other Person.

**"Lobbyist"** means an individual who receives or becomes entitled to receive \$1,000 in Compensation during any calendar quarter for Lobbying. Lobbyist includes In-House Lobbyists who engage in Lobbying as well as Persons under contract to engage in Lobbying.

**"Payment"** has the same meaning as that set forth in California Government Code Section 82044.

**"Person"** means any individual, business entity, trust, corporation, association, committee, or any other organization or group of Persons acting in concert.

**"Public Hearing"** means any meeting as defined by the Ralph M. Brown Act where a public record is kept of who spoke and who was represented by a Lobbyist testifying at that hearing.

**"Public Official"** means an elected or appointed officer or employee or officially designated representative, whether compensated or not, of the United States or any of its agencies; the State of California; the City; any political subdivision of the state, including counties and districts; or any public corporation, agency or commission.

**"Travel Expenses"** means reasonable expenses for transportation plus a reasonable sum for food and lodging.

**27.4003** (Reserved for future use)

**27.4004 Exceptions**

The following Persons are exempt from the requirements of this division:

- (a) a Public Official acting in his or her official capacity and any government employee acting within the scope of his or her employment;
- (b) any newspaper or other regularly published periodical, radio or television station (including any individual who owns, publishes or is employed by any such newspaper, periodical, radio or television station) that in the ordinary course of business publishes news items, editorials or other comments or paid advertisements which directly or indirectly urge action on Legislative Action, if such newspaper, periodical, radio or television station; or individual engages in no other activities to Influence Legislative Action; and
- (c) any Person whose sole activity includes one or more of the following:
  - (1) to submit a bid on a competitively bid contract;
  - (2) to submit a written response to a request for proposals or qualifications;
  - (3) to participate in an oral interview for a request for proposals or qualifications;
  - (4) to negotiate the terms of a written agreement with any City agency, once that Person is selected pursuant to that bid or request for proposals or qualifications; or

**27.4005 Threshold Determination**

For the purpose of determining whether a Lobbyist has met the threshold for registration required by Section 27.4007, the following activities shall be included:

- (a) monitoring Legislative Action the Lobbyist is seeking to influence;
- (b) preparing testimony and presentations;
- (c) attending hearings on a Legislative Action the Lobbyist is seeking to influence;
- (d) communicating with the Lobbyist's Client or the Lobbyist's employer on a Legislative Action the Lobbyist is seeking to influence; and
- (e) waiting to meet with City Officials.

These and similar activities are an integral part of Influencing Legislative Action.

**27.4006 Activity Expense on Behalf of Client**

An Activity Expense shall be considered to be made on behalf of a Client if the Client requires, authorizes, or reimburses the expense.

**27.4007 Registration Required**

(a) A Lobbyist is required to register with the City Clerk no later than ten (10) Days after qualifying as a Lobbyist.

(b) Within ten (10) Days after qualifying as a Lobbyist, a Lobbyist shall report the information required by Section 27.4017 for any Compensated Services the Lobbyist provided in the three (3) months prior to the date of qualification as a Lobbyist.

(c) Lobbyists shall file with the City Clerk the registration form with the Lobbyists' original signature.

(d) Nothing in this division precludes a Person from registering as a Lobbyist prior to qualifying.

**27.4008 (Reserved for future use)**

**27.4009 Contents of Lobbyist's Registration**

Lobbyists shall file with the City Clerk the registration form which contains the following:

- (a) the Lobbyist's full name, business address, and business telephone number;
- (b) the name, business address, and business telephone number of the Lobbyist's employer, if any;
- (c) a specific description of the Lobbyist's employer, if any, in sufficient detail to inform the reader of the nature and purpose of the employer's business;
- (d) for each Client for which the Lobbyist provides Lobbying Activities:
  - (1) the Client's name, business or mailing address and business or message telephone number;

- (2) a specific description of each Client in sufficient detail to inform the reader of the nature and purpose of the Client's business;
- (3) the Legislative Action(s) for which the Lobbyist was retained to represent the Client, or a description of the type(s) of Legislative Action for which the Lobbyist was retained to represent the Client;
- (e) a statement that the Lobbyist has reviewed and understands the requirements of Division 40 governing municipal lobbying; and
- (f) any other information required by the City Clerk consistent with the purposes and provisions of this division.

**27.4010 Lobbyist and Client Registration Fees**

(a) At the time the Lobbyist registers pursuant to Section 27.4007, the Lobbyist shall pay:

- (1) an annual Lobbyist registration fee of forty dollars (\$40); plus
- (2) an annual Client registration fee of fifteen dollars (\$15) for each Client identified on the registration form.

(b) A Lobbyist who initially registers during the last quarter of a calendar year (October through December) pursuant to Section 27.4007 shall pay:

- (1) a prorated Lobbyist registration fee of twenty dollars (\$20); plus
- (2) a prorated Client registration fee of ten dollars (\$10) for each Client

identified on the registration form.

(c) When a Client is acquired subsequent to the initial registration, the Lobbyist shall pay a fifteen dollar (\$15) Client registration fee when filing the information required by Section 27.4009.

(d) For the purpose of determining Client registration fees, a trade association or business organization qualified under Internal Revenue Code 501(c)(6) shall consider its members as one Client.

(e) For the purpose of determining Client registration fees, a single Client registration fee shall be paid for a Person, other than an individual, that employs more than one In-House Lobbyist.

(f) Fees may be paid or reimbursed by the Person, if any, who employs the Lobbyist.

**27.4011** (Reserved for future use)

**27.4012 Amendments to Registration Form**

Lobbyists shall file amendments to their registration form with the next quarterly disclosure report, and shall disclose any change in information required on the registration form as set forth in Section 27.4009.

**27.4013 Duration of Status**

A Person who registers as a Lobbyist retains that status through January 5 of the following calendar year unless and until that Person terminates that status in accordance with Section 27.4022. A Person who continues to qualify as a Lobbyist on January 5 of the year after initial registration shall renew that registration on or before January 15 of each year.

**27.4014** (Reserved for future use)

**27.4015 Quarterly Disclosure Report Required**

(a) Lobbyists shall file quarterly disclosure reports for every calendar quarter during which they retain their status as a Lobbyist.

(b) A Person, other than an individual, that employs more than one In-House Lobbyist may file a single quarterly disclosure report, provided that such report includes all information required by Section 27.4017 for each In-House Lobbyist it employs. The report shall be signed by a responsible officer of the Person. The Person shall file with the City Clerk the report with an original signature. Such reporting shall be deemed to be in compliance with the requirements of this division.

**27.4016 Filing Deadline for Quarterly Disclosure Report**

Lobbyists shall file quarterly disclosure reports with the City Clerk, with the Lobbyist's original signature, no later than the last Day of the months of April, July, October and January. Lobbyists shall disclose the information required by Section 27.4017 for the calendar quarter immediately prior to the month in which the report is required to be filed.

**27.4017 Contents of Lobbyist's Quarterly Disclosure Report**

A Lobbyist's quarterly disclosure report shall contain the following information:

- (a) the Lobbyist's full name, business address and business telephone number;
- (b) the name, business address and business telephone number of the Lobbyist's employer, if any;
- (c) the name, business or mailing address and business or message telephone number of each Client represented by the Lobbyist during the reporting period; and a description of each Legislative Action for which the Lobbyist represented the Client during the reporting period;
- (d) an itemization, which includes the date, amount and description of any Activity Expenses of \$10 or more on any one occasion; or Activity Expenses aggregating \$50 or more during the quarter, to benefit any single City Official on behalf of any one Client, (made by the Lobbyist during the reporting period);
- (e) the name and title of the City Official benefitting from each itemized Activity Expense;
- (f) the name and address of the payee of each itemized Activity Expense;
- (g) the name of the vendor if different from that of the payee of each itemized Activity Expense;
- (h) the name of the Client, if any, on whose behalf each itemized Activity Expense was made;
- (i) the total amount of all Activity Expenses, whether itemized or not, made by the Lobbyist during the reporting period; and

(j) any other information required by the City Clerk consistent with the purposes and provisions of this division.

**27.4018** (Reserved for future use)

**27.4019** (Reserved for future use)

**27.4020 Forms to be Provided by the City Clerk**

Lobbyists shall file registration forms and quarterly disclosure reports required by this division on forms provided by the City Clerk.

**27.4021 Verification of Registration Form and Quarterly Disclosure Report**

Lobbyists shall sign and verify registration forms and quarterly disclosure reports required by this division under penalty of California perjury laws.

**27.4022 Termination of Lobbyist Status**

A Person who ceases being a Lobbyist shall notify the City Clerk of this status upon the quarterly disclosure report form provided by the City Clerk. Upon terminating, the Lobbyist shall report the information required in Section 27.4017 that remains unreported since the last quarterly disclosure report.

**27.4023 Other Obligations of a Lobbyist**

Any Person who is required to register as a Lobbyist under the provisions of this division shall:

- (a) abstain from doing any act with the purpose or intent of placing a City Official under personal obligation to the Lobbyist, or to the Lobbyist's employer or Client;
- (b) correct, in writing, any misinformation given to a City Official, specifying the nature of the misinformation;
- (c) retain for a period of five years all books, papers and documents necessary to substantiate the quarterly disclosure reports required to be made under this division;

(d) not deceive or attempt to deceive a City Official as to any material fact pertinent to any pending or proposed Legislative Action;

(e) not cause any communication to be sent to a City Official in the name of any fictitious Person or in the name of any real Person, except with the consent of such real Person; and

(f) not attempt to evade the obligations in this section through indirect efforts or through the use of Agents, associates or employees.

#### **27.4024 Employment of City Employees by Lobbyist**

If any Lobbyist registered or required to be registered under Section 27.4007:

(a) employs, in any capacity whatsoever, or

(b) requests, recommends, or causes the Lobbyist's employer to employ any Person known to be a City Official, the Lobbyist shall file a written statement with the City Clerk within ten (10) Days after such employment. This statement shall set forth the name of the Person employed, the date first employed by the Lobbyist or the Lobbyist's employer, and that Person's position, title, and department in the City.

#### **27.4025 Powers and Duties of the City Clerk**

(a) Upon receipt of a written request, the City Clerk shall issue a notice of registration requirements to any Person whom a City Official or any other Person has reason to believe should be registered under this division.

(b) Any Person who in good faith and on reasonable grounds believes that he or she is not required to comply with the provisions of Section 27.4007 by reason of being exempt under any provision of this division shall not be deemed to have violated the provisions of Section 27.4007 if, within ten (10) Days after the City Clerk has sent specific written notice, the Person either complies with the requirements of this division, or furnishes satisfactory evidence to the Clerk that he or she is exempt from registration.

(c) As soon as practicable after the close of each quarter, the City Clerk shall complete a summary of the information contained in registration forms and quarterly



disclosure reports required to be filed under the provisions of this division. This summary shall be forwarded to the Mayor and City Council.

(d) The City Clerk shall preserve all registration forms and quarterly disclosure reports required to be filed under this division for a period of six (6) years from the date of filing. These registration forms and quarterly disclosure reports shall constitute part of the public records of the Clerk's office, and shall be open to public inspection. Copies shall be made available by the Clerk upon request and payment of any lawful copy charges.

(e) The City Clerk shall have the power to adopt all reasonable and necessary procedures to implement this division.

#### **27.4026 Inspection of Forms and Reports**

(a) The City Clerk shall inspect, or cause to be inspected, each registration form and quarterly disclosure report filed under this division within twenty (20) working Days after the filing deadline. The Clerk shall notify a Person to file a registration form or quarterly disclosure report under this division if it appears that the Person has failed to file as required by law or that the registration form or quarterly disclosure report filed by the Person does not conform to law.

(b) Any Person notified to file an original or amended registration form or quarterly disclosure report shall file the form or report by the deadline imposed in the notification from the Clerk.

#### **27.4027 Audits**

The City shall have the authority to conduct audits of registration forms and quarterly disclosure reports filed pursuant to this division. Audits may be conducted on a random basis or when City staff has reason to believe that a registration form or quarterly disclosure report may be inaccurate or has not been filed.

#### **27.4028 Violations, Penalties and Defenses**

(a) Violations of this division may be prosecuted as misdemeanors subject to the fines and custody provided in San Diego Municipal Code section 12.0201. The City

may also seek injunctive relief and civil penalties in the Superior Court pursuant to Municipal Code section 12.0202 or pursue any administrative remedy set forth in Chapter I of this Code.

(b) In addition to any other penalty or remedy available, if any Person fails to file any registration form or quarterly disclosure report required by this division after any deadline imposed by this division, that Person shall be liable to the City of San Diego in the amount of twenty-five dollars (\$25) per Day after the deadline until the report is filed, up to a maximum amount of \$500.

(c) Provisions of this division need not be enforced by the City Clerk if it is determined that the late filing was not willful and that enforcement of the penalty would not further the purposes of this division.

(d) Provisions of this division shall not be waived if a registration form or quarterly disclosure report is not filed by the deadline imposed in the notification from the City Clerk of the filing requirement.